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6 GREAT BOWERY INC.

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEW MEXICO**

9 GREAT BOWERY INC., d/b/a TRUNK
10 ARCHIVE,

11 Plaintiff,

12 v.

13 LEA HENDERSON AESTHETICS d/b/a
14 BEAUTY AND BAR BELLS and DOES 1
through 10 inclusive,

15 Defendants.

Case No. **1:25-cv-147**

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

16 **JURISDICTION AND VENUE**

17 1. This is a civil action seeking damages and injunctive relief for
18 copyright infringement under the Copyright Act of the United States, 17 U.S.C. §
19 101 *et seq.*

20 2. This Court has subject matter jurisdiction over Plaintiff's claims for
21 copyright infringement pursuant to 28 U.S.C. § 1331 (federal question) and 28
22 U.S.C. § 1338(a) (copyrights).

23 3. This court has personal jurisdiction over Defendants because
24 Defendant's acts of infringement complained of herein occurred in the state of New
25 Mexico, Defendants' acts of infringement were directed towards the state of New
26 Mexico, Defendants caused injury to Plaintiff within the state of New Mexico, and
27 Defendants have a physical presence in the state of New Mexico.

28 4. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)-(d)

1 and 1400(a) in that this is the judicial district in which substantial part of the acts
2 and omissions giving rise to the claim occurred, Defendant resides in or can be
3 found in this district, Defendant conducts regular and substantial business in this
4 district and/or is a corporate defendant whose contacts with this district are
5 sufficient to subject it to the personal jurisdiction of this Court.

6 **PARTIES**

7 5. Plaintiff Great Bowery Inc. d/b/a Trunk Archive is a Delaware
8 corporation duly organized by law, with a principal place of business in New York.

9 6. Defendant Lea Henderson Aesthetics d/b/a Beauty and Bar Bells
10 (“LHA”) is a New Mexico limited liability company with a business address of
11 6801 Jefferson Street, Suite #410, Albuquerque, NM 87109.

12 7. Plaintiff is unaware of the true names and capacities of the Defendants
13 sued herein as DOES 1 through 10, inclusive, and for that reason, sues such
14 Defendants under such fictitious names. Plaintiff is informed and believes and on
15 that basis alleges that such fictitiously named Defendants are responsible in some
16 manner for the occurrences herein alleged, and that Plaintiff’s damages as herein
17 alleged were proximately caused by the conduct of said Defendants. Plaintiff will
18 seek to amend the complaint when the names and capacities of such fictitiously
19 named Defendants are ascertained. As alleged herein, “Defendant” shall mean all
20 named Defendants and all fictitiously named Defendants.

21 **FACTUAL ALLEGATIONS**

22 8. Trunk Archive is a full-service photography licensing agency
23 representing some of the most prominent photographers and iconic images in the
24 world.

25 9. Trunk Archive’s catalogue features imagery from hundreds of
26 prominent artists and designers that are available for license.

1 10. Some of Trunk Archive's most prominent photographers are
2 collaborators Inez van Lamsweerde and Vinoodh Matadin, who are professional
3 known and credited as Inez and Vinoodh ("Inez and Vinoodh").

4 11. Inez and Vinoodh are highly acclaimed professional photographers,
5 specializing in beauty and fashion photography. Inez and Vinoodh are most well-
6 known for their high fashion photography, featuring world famous artists,
7 musicians, and actors.

8 12. Inez and Vinoodh's portfolio includes international clients and their
9 work has been featured in top publications such as *Vogue*, *Harper's Bazaar*, *Vanity*
10 *Fair*, *V Magazine*, *Porter*, *W Magazine*, and many more. Additionally, they have
11 shot work for high-end fashion brands such as Dior, Balenciaga, Chanel, Louis
12 Vuitton, Moschino, Saint Laurent, and countless others. They have also
13 photographed portraits of President Barack Obama and various actors, including
14 Jennifer Lawrence, Michael Douglas, Natalie Portman, Daniel Day Lewis, and Tom
15 Cruise.

16 13. Inez and Vinoodh are the co-authors of an original portrait of musician
17 Rihanna. ("Rihanna Photograph").

18 14. Attached hereto as Exhibit A is a true and correct copy of the Rihanna
19 Photograph.

20 15. Inez and Vinoodh registered the Rihanna Photograph with the United
21 States Copyright Office under registration VA 2-265-981, with an effective
22 registration date of August 10, 2021.

23 16. Attached hereto as Exhibit B is a true and correct copy of registration
24 VA 2-265-981.

25 17. Inez and Vinoodh subsequently granted Trunk Archive the exclusive
26 right to license the Rihanna Photograph, which includes the exclusive right to
27 distribute, display, and reproduce the Rihanna Photograph.
28

18. Defendant LHA is an aesthetic nurse practitioner specializing in injectables, non-surgical Brazilian butt lifts and facial balancing. *See generally* <https://www.leahenderson.com/about>.

19. According to its Website, <https://www.leahenderson.com> (“Defendant’s Website”), Defendant provides services like Radiesse BBL; Sculptra BBL; Fillers; Kybella; and Body Sculpting. *Id.*

20. Upon information and belief, Defendant LHA is and was at all the manager, operator, and owner of the @_beautyandbarbells_ Instagram page (“Defendant’s Instagram”).

21. Defendant’s Instagram has approximately 128,000 followers.

22. When visiting Defendant’s Instagram, Defendant’s biography section states:

Enhancing your natural beauty for a confident, empowered you 🤝
 NM's Exclusive Bella Vida Instant BBL ™Provider 🍑
 Abq,NM
Elevate your confidence ➡
linktr.ee/leahenderson

23. When a user clicks on the link provided in Defendant’s Instagram biography section, the link takes the user to a menu in which they can book an appointment directly, visit Defendant’s Website, or set up a payment plan.

24. On information and belief, Defendant’s Instagram generates content that promotes its products, services, and to attract user traffic to Defendant’s business page and generate business for the company.

25. Specifically, LHA regularly uploads celebrity photographs and videos in order to promote LHA services and products on Defendant’s Instagram.

26. At all relevant times, Defendant’s Instagram was readily accessible to the general public throughout New Mexico, the United States, and the world.

27. On or about February 13, 2022, Trunk Archive discovered the Rihanna Photograph published and displayed to Defendant’s Instagram (the “Infringing Post”).

1 28. A true and correct copy of the Infringing Post as published to
2 Defendant's Instagram is attached hereto as Exhibit C.

3 29. A representative for Trunk Archive reached out to the Defendant to try
4 to resolve this matter directly with them but Trunk Archive did not receive a
5 response.

6 30. Trunk Archive has never at any point given LHA a license or other
7 permission to display, distribute or otherwise use the Rihanna Photograph in the
8 Infringing Post on Defendant's Instagram or on any other website or platform.

9 31. Trunk Archive is informed and believes that the purpose of the use of
10 the Rihanna Photograph on Defendant's Instagram was to promote and encourage
11 sales of Defendant's services by providing a high-quality, professionally-produced
12 celebrity photograph to assist the viewer in visualizing the results that could be
13 achieved through use of Defendant's services as well as to use "celebrity"
14 endorsements to further promote Defendant's services.

15 32. Specifically, when scrolling through Defendant's Instagram,
16 Defendant's Instagram page is mostly filled with imagery of celebrities with
17 captions regarding the types of aesthetics procedures that could achieve those
18 results, including direct promotion for Defendant's services.

19 33. Trunk Archive is informed and believes Defendant (including its
20 employees, agents, contractors or others over whom it has responsibility and
21 control) used, displayed, published, and otherwise held out to the public the original
22 and unique Rihanna Photograph for commercial benefit in order to acquire a direct
23 financial benefit, through revenue from the sales of Defendant's services from use
24 of the Rihanna Photograph.

25 34. LHA (including its employees, agents, contractors, or others over
26 whom it has responsibility and control) copied and uploaded the Rihanna
27 Photograph to Defendant's Instagram without Trunk Archive's consent.
28

1 35. On information and belief, Defendant's use of the Rihanna Photograph
2 in the Infringing Post was deliberate and willful because it knew or should have
3 known that it did not purchase a license to use the Rihanna Photograph.

4 **CAUSE OF ACTION**
5 **COPYRIGHT INFRINGEMENT**
6 **U.S.C. § 101 *et seq.***

7 36. Plaintiff incorporates by reference all of the above paragraphs of this
8 Complaint as though fully stated herein.

9 37. Trunk Archive is the exclusive rights holder to the Rihanna
10 Photograph.

11 38. Inez and Vinoodh registered the Rihanna Photograph with the Register
12 of Copyrights pursuant to 17 U.S.C. § 411(a).

13 39. Inez and Vinoodh subsequently granted Trunk Archive the exclusive
14 right to license the Rihanna Photograph, which includes the exclusive right to
15 distribute, display, and reproduce the Rihanna Photograph

16 40. Plaintiff did not consent to, authorize, permit, or allow in any manner
17 the said use of Plaintiff's unique and original Rihanna Photograph by Defendant.

18 41. Plaintiff is informed and believes and thereon alleges that said
19 Defendant willfully infringed upon Plaintiff's copyrighted Photograph in violation
20 of Title 17 of the U.S. Code §501, in that it used, published, communicated, posted
21 publicized, and otherwise held out to the public for commercial benefit, the original
22 and unique Rihanna Photograph without Plaintiff's consent or authority by using it
23 in the Infringing Post on Defendant's Instagram and that Defendant knew or should
24 have known that they did not have Plaintiff's consent for use in the Infringing Post.

25 42. Specifically, Defendants made an unauthorized copy and then publicly
26 displayed the Beauty Photograph with the Infringing Post on Defendant's
27 Instagram.

28 43. As a result of Defendants' violations of Title 17 of the U.S. Code,
Trunk Archive has sustained significant injury and irreparable harm.

44. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b), or statutory damages pursuant to 17 U.S.C. § 504(c).

45. As a result of the Defendants' violations of Title 17 of the U.S. Code, the court, in its discretion, may allow the recovery of full costs from Defendants as well as reasonable attorney's fees pursuant to 17 U.S.C § 505.

46. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of her copyright pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- For a finding that Defendants infringed Trunk's copyright interest in the Rihanna Photograph by copying, displaying, and distributing it without a license or consent;
- For an award of actual damages and disgorgement of all of Defendants' profits attributable to the infringement as provided by 17 U.S.C. § 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendants pursuant to 17 U.S.C. § 504(c), whichever is larger;
- For costs of litigation and reasonable attorney's fees against each Defendant pursuant to 17 U.S.C. § 505;
- For an injunction preventing each Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502;
- For pre-judgment interest as permitted by law; and
- For any other relief the Court deems just and proper.

Dated: February 12, 2025

Respectfully submitted,

/s/ Naomi Sarega
 Naomi Sarega, Esq.,
 SBN 20-110
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DEMAND FOR JURY TRIAL

Plaintiff, Trunk Archive hereby demands a trial by jury in the above matter.

Dated: February 12, 2025

Respectfully submitted,

/s/ Naomi Sarega

Naomi Sarega, Esq.,

SBN 20-110

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